

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

| | | |
|--------------------------------|---|-----------------------|
| IN RE: |) | |
| |) | CHAPTER 13 |
| RANDALE LAMAR WASHINGTON and |) | |
| ANGELA SHERISE WASHINGTON, |) | CASE NO. 19-10023-SDB |
| |) | |
| Debtors. |) | |
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| DICK SMITH AUTO SALES LLC, |) | |
| |) | |
| Movant, |) | |
| |) | |
| v. |) | |
| |) | |
| RANDALE LAMAR WASHINGTON, |) | |
| ANGELA SHERISE WASHINGTON, and |) | |
| HOUN LE, TRUSTEE, |) | |
| |) | |
| Respondents. |) | |

OBJECTION TO CONFIRMATION OF PLAN

COMES NOW, Dick Smith Auto Sales LLC (“Movant”), and objects to confirmation of Debtors’ Plan by showing the following:

1. Movant filed a proof of claim as to a 2004 Dodge Ram 1500 (the “Vehicle”) indicating a secured total of \$1,569.39 as of February 7, 2019.
2. Debtors purchased and financed the Vehicle on September 28, 2017. In accordance with 11 U.S.C. Section 1325, a vehicle purchased within 910 days preceding the date of the filing of the petition, and the collateral for that debt consists of a motor vehicle

- acquired for personal use of debtor and creditor has a purchase money security interest securing the debt that is subject of the claim, said claim shall not be valued under 11 U.S.C. Section 506. Therefore, Movant's claim should be allowed and treated as fully secured in the amount of \$1,569.39 plus interest thereon at 8.25%.
3. Movant requests its post confirmation plan payment commence immediately upon confirmation.
 4. Movant further requests pre- and post-confirmation adequate protection payment of \$15.00 per month retroactive to the date of filing.
 5. Movant has not been offered adequate protection under the plan and requests confirmation be denied.
 6. Movant is not provided the present value of its claim under the plan and requests confirmation be denied.

WHEREFORE, Movant prays that confirmation be denied.

/s/ Nathan E. Huff
Nathan E. Huff
Ga. Bar No. 773611
Attorney for Dick Smith Auto Sales LLP
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CERTIFICATE OF SERVICE

I hereby certify that on this date I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will automatically send an email notification of such filing to all attorneys of record and by depositing a true and correct copy in the US Mail with sufficient postage affixed thereto to the parties not served electronically to the parties listed below:

Huon Le
PO Box 2127
Augusta, GA 30903

Randale & Angela Washington
1927 Roberson Rd
Augusta, GA 30906

Duncan & Brow
2608 Commons Blvd., Suite A
Augusta, GA 30909

This 13th day of February, 2019.

/s/ Nathan E. Huff
Nathan E. Huff